

## BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension	)	
	)	
of the Educator Certificate of	)	<b>ORDER OF SUSPENSION</b>
	)	<b>(BREACH OF CONTRACT)</b>
Lita W. Brown	)	
	)	
Certificate 179419	)	

### SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on Wednesday, May 11, 2005. On March 24, 2005, the Office of Teacher Certification sent Lita W. Brown a notice of her right to a due process hearing regarding the possible suspension of her South Carolina educator certificate by certified mail, return receipt requested, delivery restricted to addressee. Ms. Brown received the notice as evidenced by the signed postal receipt. Ms. Brown did not request a hearing within the time frame specified in the notice letter. After considering the evidence presented, the State Board voted to suspend Ms. Brown's certificate for one year.

### FINDINGS OF FACT

Ms. Brown holds a valid certificate and has nine years of teaching experience, all with the Fairfield County School District (District). Ms. Brown signed a contract for the 2004-2005 school year on April 23, 2004, and was assigned to Fairfield High School where she taught French. On November 23, 2004, Ms. Brown notified her Principal that her last day of employment would be December 17, 2004. On November 30, 2004, the District notified Ms. Brown that they were unable to release her from her contract until a suitable replacement could be found. On January 3, 2005, Ms. Brown assured the District's Assistant Superintendent that she would return to work, but she did not return. On January 11, 2005, the District notified Ms. Brown that she needed to return to work by January 14, 2005. Ms. Brown failed to return to work. On January 18,

2005, the District notified Ms. Brown that her resignation did not comply with District policy and the Board of Trustees voted to request suspension of Ms. Brown's certificate.

### **CONCLUSIONS OF LAW**

The State Board may suspend the certificate of any person for unprofessional conduct. S.C. Code Ann. §§ 59-25-150 and 160 (2004). Breach of contract is deemed to be unprofessional conduct. S.C. Code Ann. § 59-25-160 (2004); 24 S.C. Code Regs. 43-58 (1992). The State Board finds that there is sufficient evidence supporting its conclusion that Ms. Brown breached her contract with Fairfield County School District, warranting the suspension of Ms. Brown's certificate 179419 for a period of one year, from May 11, 2005, through May 10, 2006. Should Ms. Brown wish to have her certificate reinstated at the end of the suspension period, she may make a written request for reinstatement to the Office of Teacher Certification.

South Carolina State Board of Education

By: /S/ Paul M. Forrester

Paul M. Forrester, Chair

Columbia, South Carolina  
May 11, 2005